

**City of Socorro**  
**Resolution No. 24-07-23e**

CONDEMNING DANGEROUS BUILDINGS, RUINS, RUBBISH OR DEBRIS

**WHEREAS**, Section 3-18-5 NMSA 1978 and City of Socorro Ordinance Section 119, paragraphs 1-9, authorize the City to take action regarding buildings or structures which are ruined, damaged, or dilapidated, or premises containing refuse, rubbish, wreckage, or debris; and

**WHEREAS**, the City Council has the duty to determine from a personal inspection of the premises or from a proper report by a City employee or both, whether or not the premises should be condemned; and

**WHEREAS**, in the file with this proposed resolution is an Affidavit of City of Socorro Code Enforcement Officer Christopher Carrillo, the contents of which, together with the Exhibits, if any, have been studied by the City Council:

NOW THEREFORE, be it resolved by the Governing Body of the City of Socorro:

1. Finding of Condition - That the building or structure in or on the premises of :

**104 Pinon St, Socorro, New Mexico 87801**

is ruined, damaged, or dilapidated, or the premises is covered with ruins, rubbish, wreckage, or debris.

2. Menace to the Public - That the condition of the buildings and structures upon the premises constitutes a menace to the public comfort, health, peace, or safety, and in order to protect the public, must be removed from the premises and from the City.

3. Notice to Owner, Occupant or Agent - That a copy of this Resolution shall be served on the owner, occupant, or agent in charge of the building, structure, or premises. If the owner, as shown by the real estate records of the County Clerk, occupant or agent in charge of the building, structure, or premises, cannot be served within the City, a copy of this Resolution shall be posted on the building, structure or premises, and a copy of this Resolution shall be published one time in a newspaper of general circulation in the City.

4. Duty of Owner, Occupant, or Agent - Within ten (10) days of the receipt of a copy of the Resolution or of the posting and publishing of a copy of the Resolution, the owner, occupant, or agent in charge of the building, structure, ruin, rubbish, wreckage, or debris, shall commence removing the buildings and structures or file a written objection with the City Clerk asking for a hearing before the governing body of the City of Socorro.

5. Hearing, if Requested - If a written objection is filed as required, the City Council shall:

- a. fix a date for a hearing on this Resolution and the objection.
  - b. consider all evidence for and against the removal resolution at the hearing;
- and
- c. determine if its resolution should be enforced or rescinded.

6. Appeal to District Court - Any person aggrieved by the determination of the City Council may appeal to the district court by:

a. giving notice of appeal to the City Council within five days after the determination made by the City Council; and

b. filing a petition in the district court within twenty (20) days after the determination made by the governing body. The district court shall hear the matter de novo and enter judgment in accordance with its findings.

7. Failure to Remove Buildings - If the owner, occupant or agent in charge of the building, structure or premise fails to commence removing the buildings or structures:

a. within ten (10) days of being served a copy of the resolution or of the posting or publishing of the resolution; or

b. within five (5) days of the determination by the City Council that the resolution shall be enforced; or

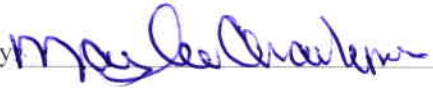
c. after the district court enters judgment sustaining the determination of the City Council, the City may remove the building, structure, ruins, rubbish, wreckage, or debris at the cost and expense of the owner. The reasonable cost of the removal shall constitute a lien against the building, structure, ruin, rubbish, wreckage, or debris so removed, and against the lot or parcel of land from which it was removed. The lien shall be foreclosed in the manner provided in Sections 3-36-1 through 3-36-6 NMSA 1978.

8. Cost of Removal - The City may pay for the costs of removal of any condemned building, structure, wreckage, rubbish, or debris by granting to the person removing such materials the legal title to all salvageable material in lieu of all other compensation.

9. Clean up of Premises - Any person or firm removing any condemned building, structure, wreckage, rubbish, or debris shall leave the premises from which the material has been removed in a clean, level, and safe condition, suitable for further occupancy or construction and with all excavations filled.

**PASSED, APPROVED, AND ADOPTED this 23rd day of July, 2024.**

CITY OF SOCORRO

By: 

Mary-Ann Chavez-Lopez, Mayor Pro Tem

attest:



Leopoldo Pineda, City Clerk

**AFFIDAVIT OF CITY OF SOCORRO CODE ENFORCEMENT OFFICER CHRISTOPHER CARRILLO**

**STATE OF NEW MEXICO )**

) ss.

**COUNTY OF SOCORRO )**

I, Christopher Carrillo, being duly sworn, depose and state as follows:

1. **Position:** I am the Code Enforcement Officer for the City of Socorro.
2. **Purpose:** This affidavit is submitted in support of a proposed City of Socorro ("City") resolution to authorize action regarding the premises located at 104 Pinon Street, Socorro, New Mexico, which constitute dangerous buildings or structures, ruined, damaged, or dilapidated, or premises containing refuse, rubbish, wreckage, or debris.
3. **Initial Contact:** On May 20, 2023, at exactly 12:20 PM, I made contact with "Lalo" (hired help) and informed him that the homeowner was in violation of city ordinances 233-3 & 199-2. He informed me that the homeowners were not home at that time. I provided him with my card and requested that the homeowner contact me as soon as possible.
4. **Follow-up Contact:** On May 27, 2023, at exactly 11:28 PM, I was able to contact Jessica Talamante and explained to her that she was in violation of ordinances 233-3 & 199-2. I requested her compliance with the city's ordinance. She assured me she would work on the yard and mentioned that, due to some hardships, it had gotten away from her.
5. **Observation:** On June 8, 2023, I observed that Jessica had listed vehicles on Facebook Marketplace to attempt to sell what she could. However, the number of vehicles listed was very few and not enough to make significant progress.
6. **Revisit:** On August 8, 2023, I revisited the property at 104 Pinon and found the property still in violation of ordinances 243-4, 233-3, and 119-2. I gave the homeowner 10 days to clean the property in an attempt to work with them.
7. **Assistance:** On December 21, 2023, Jessica Talamante agreed and allowed Code Enforcement to clean up the premises. We removed everything we could free of charge, and Mrs. Talamante was asked to remove all inoperable vehicles, which she did not.
8. **Contracted Clean-up:** On March 15, 2024, the City of Socorro contracted to have all rubbish, weeds, and anything left behind hauled and disposed of at the landfill free of charge, with the request that all inoperable vehicles be removed from the property, which they have not.
9. **Legal Action:** Jessica Talamante was issued a citation and summons to court for ordinance 233-1, to which she appeared and pled no contest. She was given 30 days to remove the vehicles from the property. After the 30 days were up, she was due back in court to show any progress made. She did not return to court, no progress was made, and she has since been issued a warrant.

DATED: July 17, 2024.

Christopher Carrillo

**Verification**

I, Christopher Carrillo, being duly sworn, state on oath that all the representations in this Affidavit are true as far as I know or am informed, and that this Affidavit is true, accurate, and complete to the best of my knowledge and belief.

Christopher J Carrillo July, 17, 2024

Christopher Carrillo

SUBSCRIBED AND SWORN TO before me on July 17, 2024, by Christopher Carrillo.

Kristy Padilla

Notary Public

My commission expires: 2-1-2028

